

Message Text

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ORIGIN IO-10

INFO OCT-01 ISO-00 L-03 DHA-02 ORM-01 AF-06 ARA-06 EA-07

EUR-12 NEA-10 SSO-00 NSCE-00 INRE-00 PM-04 NSC-05

SP-02 SS-15 CIAE-00 INR-07 NSAE-00 PRS-01 /092 R

DRAFTED BY IO/UNP:WEHEWITT:BKM

APPROVED BY IO:ROBLAKE

L/UNA:RSTOWE (DRAFT)

D/HA:RPALMER (DRAFT)

EA/RA:RJMARTENS

ARA:GLISTER

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TO USMISSION USUN NEW YORK IMMEDIATE

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E.O. 11652: N/A

TAGS: UNGA, SHUM, PFOR

SUBJECT: THIRD COMMITTEE--SECRETARY'S INITIATIVE ON TORTURE

REF: USUN 4574

1. DEPT APPROVES DRAFT RESOLUTION (REFTEL) WHICH, WITH FOLLOWING CHANGES, MAY BE USED BY USDEL AS BASIS FOR CONSULTATIONS.

2. INSERT THE FOLLOWING ADDITIONAL PREAMBULAR PARAGRAPH AFTER FIRST PREAMBULAR PARA.: "BEARING IN MIND AS WELL THAT UNDER ARTICLE 4 OF THE COVENANT NO DEROGATION FROM THIS RIGHT MAY BE MADE EVEN IN TIME OF PUBLIC EMERGENCY WHICH THREATENS THE LIFE OF THE NATION."

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3. PREFER THAT TEXT OF DECLARATION WHICH RESOLUTION

ADOPTS BE ANNEXED TO RESOLUTION RATHER THAN CONSTITUTE A MAJOR PART OF ITS OPERATIVE PARAGRAPHS. INCLUDING TEXT OF DECLARATION IN OPERATIVE PART OVERBALANCES RESOLUTION IN FAVOR OF DECLARATION AND APPEARS TO PRESENT SECRETARY'S PROPOSAL AS AN AFTERTHOUGHT. DEPT NOTES THAT IN SEVERAL RESPECTS TEXT OF DECLARATION CONTAINED REFTEL DIFFERS FROM TEXT AS FINALLY APPROVED AT GENEVA CONGRESS. AUTHORITATIVE TEXT MUST AWAIT OFFICIAL REPORT ON CONGRESS TO BE ISSUED BY SYG. POSSIBILITY EXISTS THAT DECLARATION WILL BE AMENDED IN THIRD COMMITTEE, THUS NECESSITATING ONE OR MORE REVISIONS OF DRAFT RESOLUTION IF TEXT IS INCLUDED IN OPERATIVE PART.

4. RE SIZE OF EXPERT WORKING GROUP IN PARA. B.1 OF TEXT REFTEL, DEPT PREFERS MUCH SMALLER GROUP OF NOT MORE THAN FIVE. SMALLER SIZE GROUP MORE LIKELY TO APPROACH ITS TASK WITH INDEPENDENT OBJECTIVITY AND WITH GREATER CHANCE OF UNANIMOUS FINDINGS. FIFTEEN MEMBER GROUP PRESENTS PROBLEM OF GEOGRAPHICAL DISTRIBUTION OF SEATS. GROUP OF THIS SIZE WOULD ALMOST CERTAINLY OPERATE AS MINIATURE GA WITH BLOC VOTING AND POLITICAL TRADING. DEPT BELIEVES STRESS SHOULD BE ON APPOINTMENT OF GENUINE, HIGHLY QUALIFIED EXPERTS WHO WILL PRESENT REPORT ON THEIR OWN PERSONAL RESPONSIBILITY. DO NOT CONSIDER IT ESSENTIAL THAT ONE OF EXPERTS BE U.S. NATIONAL.

5. RE TERMS OF REFERENCE FOR WORKING GROUP, DEPT WOULD PREFER THAT PARAGRAPH B.1(C) OF TEXT IN REFTEL BE BROADENED SOMEWHAT TO READ AS FOLLOWS: "TO REPORT THE RESULTS OF ITS STUDY OR PROGRESS THEREON TO THE THIRTY-FIRST GENERAL ASSEMBLY AND IN PARTICULAR TO IDENTIFY IN ITS FINAL OR PROGRESS REPORTS SUCH SITUATIONS AS MAY EXIST IN THE WORLD IN WHICH, IN THE OPINION OF THE EXPERT WORKING GROUP, THERE IS A PATTERN OF WIDESPREAD ACTS OF TORTURE CARRIED OUT BY OR WITH THE KNOWLEDGE OR ACQUIESCENCE OF GOVERNMENTAL AUTHORITIES." USDEL WILL NOTE THAT UNLIKE PARAGRAPH B.3 OF REFTEL, DRAFT RESOLUTION SUBSTITUTE LANGUAGE WOULD CALL FOR A FINAL OR PROGRESS REPORT TO THE 31ST GA. BECAUSE OF MAGNITUDE OF TASK ASSIGNED TO WORKING GROUP, DEPT CONSIDERS IT WISE TO LEAVE OPEN THE LIMITED OFFICIAL USE

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POSSIBILITY THAT GROUP MAY NOT BE ABLE TO FINISH ITS WORK WITHIN A YEAR'S TIME. WE WOULD ALSO CONSIDER IT PREFERABLE, BECAUSE OF THE SERIOUS NATURE OF THE TORTURE PROBLEM, THAT WORKING GROUP MANDATE BE EXTENDED BEYOND ONE YEAR.

6. IN PLACE OF PARA. B.3 IN REFTEL TEXT, SUBSTITUTE THE FOLLOWING: "REQUEST THE SECRETARY-GENERAL TO SUPPLY

TO THE WORKING GROUP ALL ASSISTANCE AS MAY BE NECESSARY
TO ENSURE THE EARLIEST INITIATION AND EFFECTIVE DISCHARGE
OF ITS WORK."

7. RE TACTICS, IF IN JUDGMENT OF USDEL EARLY SUBMISSION
OF TEXT TO SECRETARIAT DESIRABLE, DRAFT RESOLUTION AMENDED
AS OUTLINED ABOVE MAY BE SUBMITTED TO SECRETARIAT. DEPT.
HOPES, HOWEVER, THAT USDEL WILL SUCCEED IN SECURING
WIDE RANGE OF CO-SPONSORS FROM AS MANY REGIONAL GROUPINGS
AS POSSIBLE. CO-SPONSORS OF 29TH SESSION RESOLUTION ON

TORTURE (GA RES. 3218) SHOULD, AS MINIMUM, BE COUNTED
UPON TO JOIN IN CO-SPONSORING PROPOSED DRAFT RESOLUTION.
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